

EXHIBIT H

1846 Law Revision “... to prevent trespassing
with Guns”

[original enrolled law]

Senate No. 1.

Revision

An Act for the
preservation of deer,
and other game, and
to prevent trespassing
with guns.

Ex. 144
I certify that this bill
originated in the Senate

Sam Doxey
Sec. of the Senate

comp. 1/5/06



I hereby certify that the foregoing is a true copy
of the original record on file in the New Jersey
State Archives, Department of State.

Joseph R. Klett

Address;
New Jersey State Archives
P.O. Box 307
225 West State St.
Trenton, N.J. 08625

Joseph R. Klett
Executive Director
N. J. State Archives

Senate No. 1.

Revision

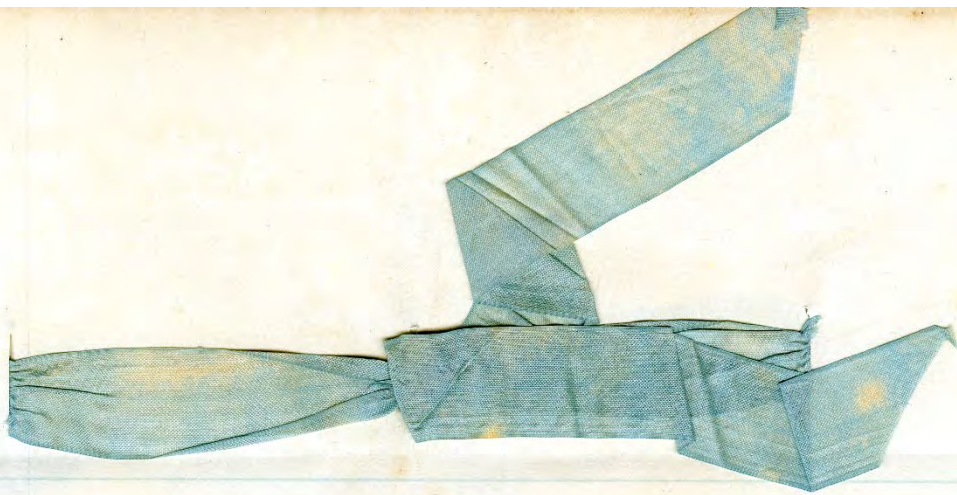
An Act for the
preservation of deer,
and other game, and
to prevent trespassing
with Guns.

Exe. J. S. H.

I certify that this bill
originated in the Senate

Paul D. Cooper
Sec. of the Senate

comp^d May 5/06



State of New Jersey.

An Act for the pres-
ervation of Deer, and other
Game, and to prevent tres-
passing with Guns.

1. Be It Enacted by the
Senate and General Assembly
of the State of New Jersey, That
if any person or persons Shall
carry any gun on any lands not
his own, and for which the own-
er pays taxes, or is in his law-
ful possession, unless he hath
license or permission in writing

Apr 1846

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from the owner or owners, or legal possessor, every such person so offending, and convicted thereof, either upon the view of any justice of the peace within this state, or by the oath or affirmation of one or more witnesses, before any justice of the peace of either of the counties, cities, or towns corporate of this state, in which the offender or offenders may be taken or reside, he, or they, shall, for every such offence forfeit and pay to the owner of the soil or his tenant in possession, the sum of five dollars, with costs of suit; which forfeiture shall and may be sued for and recovered by the owner of

the soil, or tenant in possession before any justice of the peace, in this State, for the use of such owner or tenant in possession.

2. And be it enacted, That if any person, shall hunt, or watch for deer with a gun, or set in any dog or dogs to drive deer, or any other game, on any lands not his own, and for which the owner or possessor pays taxes, or is in his lawful possession, unless he hath license or permission in writing from such owner or owners or legal possessor; every such person so offending, and being convicted thereof in manner aforesaid, shall, for every such offence forfeit and pay to the owner of the

Soil, or tenant in possession, the sum of five dollars, with costs of suit; provided, that nothing herein contained shall be construed to extend to prevent any person carrying a gun upon the highway in this state.

3. And be it enacted, That if the person or persons offending against this act be non-residents of this state, he or they shall forfeit and pay for every such offence fifteen dollars, and shall forfeit his or their gun or guns to any person or persons who shall inform and prosecute the same to effect, before any justice of the peace in any

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county of this State, wherein the offender or offenders may be taken or apprehended.

4. And, for the better and more effectual conviction of offenders against this act, be it enacted, That any and every person or persons in whose custody shall be found, or who shall expose to sale, any green deer-skins, or fresh venison, killed at any time after the first day of January, and before the first day of September aforesaid, and shall be thereof convicted by the oath or affirmation of one or more credible witnesses, shall be deemed guilty of offending against this act, and

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be subjected to the penalties of
killing deer out of season.

5. And be it enacted, That if any person or persons, within this State, shall set any trap or other device whatsoever, larger than what is usually and commonly set for foxes and muskrats, such person, setting such trap or other device, shall pay the sum of fifteen dollars, and forfeit the trap or other device, and shall also be liable to make good all damages any person shall sustain by setting such trap or other device, and the owner of such trap or other

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device, or person to whom it was lent, shall be esteemed the setter thereof, unless it shall be proved on oath or affirmation, what other person set the same, or that such trap or other device was lost by said owner or person, to whom it was lent, and absolutely out of his power; and that the said trap or other device shall be broken and destroyed in the view and presence of the justice of the peace, before whom they are brought.

6. And be it enacted, That if any person or persons, within

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this state shall set any loaded gun in such manner, as that the same shall be intended to go off or discharge itself, or be discharged by any string, rope, or other contrivance, such person or persons shall forfeit and pay the sum of twenty dollars to be recovered by action of debt by any person who shall sue for the same, and on non-payment thereof, shall be committed to the common goal of the county, for six months.

7. And be it enacted, That nothing in this law shall be construed to extend to restrain the owners of parks, or of tame deer, from killing, hunting

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or driving their own deer.

8. And be it enacted, That if any person or persons within this state shall watch with a gun on any uninclosed land within two hundred yards of any road or path, in the night-time, whether the said road is laid out by law or not or shall stand or station him or themselves upon or within two hundred yards of any road as aforesaid, for shooting at deer driven by dogs, he or they so offending, shall, on conviction, forfeit and pay the sum of fifteen dollars, for every such offence; to be recovered by action of debt as aforesaid and pay all damages.

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9. And be it enacted, That if any person or persons shall kill, destroy, hunt, or take any doe, buck, fawn, or any sort of deer whatsoever, at any other time or season, except only between the last day of August and the second day of January, yearly and every year, he, she, or they, so offending, shall forfeit and pay the sum of twenty dollars, for each and every such offence, to be sued for and recovered with costs of suit, in an action of debt, by any person, before any justice of the peace of the county wherein such offence.

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shall have been committed, one half of the forfeit money shall be for the benefit of the person prosecuting for the same, and the remainder paid to the collector of the township wherein the offence shall have been committed, for the use of the township.

10. And be it enacted, That if any person or persons shall kill, destroy or take any partridge, moor-fowl, grouse, quail or rabbit, except only between the first day of November and the tenth day of January, yearly and every year, or any woodcock, except only between

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the fifth day of July and the first of January, yearly and every year, he, she, or they so offending, shall forfeit and pay, for every partridge, moorfowl, grouse, quail, rabbit or woodcock, one dollar for each and every offence, to be sued for and recovered in an action of debt, with costs of suit, by any person who shall sue for the same; and any person in whose hands or custody any partridge, moorfowl, grouse, quail, rabbit or woodcock shall be found, that shall have been killed contrary to the provisions of this act, shall be deemed, taken, and adjudged to be the killer and destroyer of such game, and liable to the penalties aforesaid,

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provided nevertheless, that no such person or persons shall be prohibited from gunning on his or their own land.

11. And be it enacted, That if any person or persons not resident in this State, shall offend against any of the provisions of the first Section of this act, it shall and may be lawful for the owner or owners of the said lands, or the possessor or possessors thereof, to apprehend any and every such person or persons so offending, and take him or them before a magistrate as soon as conveniently may be, in order that he or they may be

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dealt with according to law, and every such person who may perform this service, shall be entitled to the same assistance and protection, and subject to the same restrictions and liabilities, as a constable would be on the same occasion.

In Senate April
14th 1846. This
Bill having been three
times read and compa-
red in the Senate.

Resolved that the
same do pass.

By Order of Senate,

J. C. Smallwood
President of
the Senate

House of Assembly
April 9th 1846. This
Bill having been three
times read in the House
of Assembly. Resolved
that the same do pass.

By Order of the
House of Assembly.

Lewis Howell
Speaker of the
House of Assembly

Approved April 16th 1846

Charles C. Stratton